

**MEDICAL EXAMINING BOARD
MINUTES
JUNE 16, 2010**

PRESENT: Carolyn Bronston, James Conterato, LaMarr Franklin, Sujatha Kailas, Jack Lockhart, Raymond Mager, Suresh Misra, Gene Musser, Sandra Osborn

EXCUSED: Jude Genereaux, Jerold Harter, Ian Munro, Sheldon Wasserman

STAFF: Tom Ryan, Bureau Director; Michael Berndt, Legal Counsel; Karen Rude-Evans, Bureau Assistant

GUESTS: Anne Hletko, Council on Physician Assistants; Judy Warmuth and Laura Lietch, WHA; Mark Grapentine, WMS; Jeremy Levin, RWHC; Dan Hayes, Blumenfeld & Assoc.

CALL TO ORDER

Sujatha Kailas, Chair, called the meeting to order at 8:00 a.m. A quorum of nine (9) members was confirmed.

APPROVAL OF AGENDA

Amendments in Open Session

- Item 8 c – changed to BOARD COMMITTEES AND WORKGROUPS. Insert email from Dr. Kailas after page 20.
- Item 8 e – removed from agenda
- Items 8 a and 8 b – insert letter from the Wisconsin Hospital Association after page 20.
- Item 11 – copy of preliminary draft of the Regulatory Digest – insert after page 36
- Item 12 – informational items – insert after page 36
 - Letter from Meriter Hospital
 - SharePoint site information
 - Letter from the FSMB

Amendments in Closed Session (after page 199)

- Proposed Stipulation, Final Decision and Order in the Disciplinary Proceedings Against Carolyn G. Newton, MD (10 MED 117) – Case Advisor – Misra
- Proposed Administrative Warning in the Matter of C.E.J., MD – Case Advisor - Osborn

- Consideration of Complaint in case 07 MED 162 – Case Advisor – Osborn
- Pending Death Cases Report
- Pending Three Year Cases Report

MOTION: Suresh Misra moved, seconded by Carolyn Bronston, to approve the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF MAY 19, 2010

MOTION: Suresh Misra moved, seconded by LaMarr Franklin, to approve the minutes of May 19, 2010 as written. Motion carried unanimously.

PRESENTATION OF PROPOSED STIPULATIONS AND FINAL DECISIONS AND ORDERS

MICHAEL N MANGOLD, MD

DOE attorney Jack Zwieg presented a proposed stipulation in the disciplinary proceedings against Michael N. Mangold, MD. This matter will be deliberated in closed session.

STEPHEN R KREUSER, MD

DOE attorney Sandra Nowak presented a proposed stipulation in the disciplinary proceedings against Stephen R. Kreuser, MD. This matter will be deliberated in closed session.

**MOTION TO REOPEN DISCIPLINARY PROCEEDINGS AGAINST
OSSAMA ABDELLATIF, MD**

Attorney Michael Ganzer and Ossama Abdellatif, MD, appeared before the Board to present a motion to re-open the disciplinary proceedings against Dr. Abdellatif. DOE Attorney Jim Polewski presented arguments on behalf of the Department. This matter will be deliberated in closed session.

ITEMS RECEIVED AFTER MAILING OF THE AGENDA

PRESENTATION OF PROPOSED STIPULATION, FINAL DECISION AND ORDER

CAROLYN G NEWTON, MD

DOE Attorney Sandra Nowak presented a proposed stipulation in the matter regarding Carolyn G. Newton, MD. This matter will be deliberated in closed session.

SPEAKING ENGAGEMENTS

Gene Musser received a request from Medistar Review to speak at their July meeting regarding the prescribing and over-prescribing of opiates and how the Medical Examining Board handles this issue.

MOTION: Suresh Misra moved, seconded by LaMarr Franklin, to authorize Sandra Osborn, Gene Musser and a representative from DOE to speak at the July meeting of Medistar Review. Motion carried unanimously.

2010 WISCONSIN ACT 382

Information regarding 2010 Wisconsin Act 382 was sent to all licensees on June 2, 2010. Gene Musser has had positive feedback from several sources that the duty to report is an excellent step in the right direction. Jack Lockhart stated there is some concern about doctors treating doctors. Gene Musser will write a white paper regarding the duty to report and will submit it for inclusion in the Regulatory Digest.

BOARD COMMITTEES AND WORKGROUPS

DOE Liaison	Carolyn Bronston, Sandra Osborn
Outreach Committee	Jude Genereaux, Sujatha Kailas, Gene Musser, Sandra Osborn
Legislative Liaison Committee	Gene Musser, Sheldon Wasserman
IPP Liaison	Sandra Osborn
Evaluation Committee (Ch. 10 revisions)	on hold at this time
Application Liaisons	Jack Lockhart, Ian Munro
Maintenance of Licensure Committee	Jerold Harter, Raymond Mager, Ian Munro, with Gene Musser as advisor

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MOTION: Sandra Osborn moved, seconded by Carolyn Bronston, to draft a scope statement for revisions to Wis. Admin. Code MED Chapter 10. Motion carried unanimously.

OUTREACH COMMITTEE REPORT

Sujatha Kailas reported the Outreach Committee has explored ways to increase awareness of the Board. The October Board meeting will be held at the Medical College of Wisconsin. Sandra Osborn and Tom Ryan will contact the UW Hospital to make arrangements for grand rounds and to also inquire about making a presentation to the second or third year students.

ADMINISTRATIVE MATTERS

Tom Ryan introduced new DRL staff. Carolina Dutriz is a summer intern and is a Marquette University law student. Chad Zadrazil, Program and Policy Analyst, is working on the ARRA Portability Grant. Ari Oliver will start next week as a half-time financial specialist who will be working with Chad Zadrazil on the budget for the ARRA Portability Grant.

Update on ARRA Portability Grant and Reciprocity – Chad Zadrazil, Program and Policy Analyst

Chad Zadrazil reviewed the progress of the ARRA Portability Grant with eight Midwestern states. The Grant is looking at licensure requirements for each state and is working towards the possibility of true reciprocity and a uniform licensure application. The Board asked Chad Zadrazil to bring the licensure requirements from the other eight states to the next Board meeting for review.

Budget Update and Discussion

Jim Parker was not available to meet with the Board. Issue papers for the budget should be submitted at the next Board meeting.

Information Technology Resources Relating to the MEB.

Information Technology staff was not available to meet with the Board. The Board reviewed the DRL website and internet search engines. The Board would like to have easier access by internet searches to the MEB information and possibly a website dedicated solely to the MEB.

DRL protocol requires that all Board requests for IT changes be made through the Bureau Director. The IT Steering Committee will meet in August to review all requests.

Request to Delegate Screening of Some Complaints to Division of Enforcement Complaint Intake Staff – Appearance by Dennie Petersen, DOE Supervisor

Dennie Petersen addressed the Board regarding delegation of screening of some complaints to DOE staff. The Division of Enforcement 18-month committee has been looking at ways to improve the handling of enforcement cases so that all cases will be concluded within 18 months of receipt. While reviewing the intake process the committee noticed that there were some categories of complaints that virtually never result in disciplinary action. The categories are:

1. Anonymous complaints that do not allege danger to the public, do not provide evidence to support the allegations, or do not provide information which can be used to follow up the allegations.
2. Unproven allegations of Medicaid/Medicare fraud would be referred to the agency dedicated to investigating those issues and notification requested of any findings of fraud that we should act upon.
3. Contract disputes between employee and employer.
4. Rudeness on the part of the licensee.
5. Billing or money issues, unless fraud is expected.

The committee concluded these complaints should not be opened for investigation and should be screened out at the very earliest stage by DOE intake staff and not sent to the Screening Panel for that determination.

Sandra Osborn questioned category 4 and asked that any case with sexual innuendo be brought to the Screening Panel.

MOTION: Jack Lockhart moved, seconded by Raymond Mager, to approve the delegation of screening the five categories of complaints to DOE intake staff. Motion carried unanimously.

Board of Nursing Survey Review – Appearance by Cathy Pond, Administrator, Division of Professional Credential Processing

A number of nursing organizations were successful in getting legislation passed to require a survey for all nurses at renewal. DWD worked with these organizations to develop the survey,

which was available online. Individuals who were unable or unwilling to take the survey online, were sent a paper copy of the survey, however approximately 95% completed the online survey.

Live Meeting and Share Point Technologies

Tom Ryan briefly reviewed the use of Live Meeting with the Board. The default in the future will be all meetings will be offered via Live Meeting. Members of the screening panel and examiners would still be required to come to DRL, however in the future it is possible that these functions could also be accomplished via Live Meeting. Share Point allows DRL staff to post agendas, red folder item and other documents to the Share Point site, thus eliminating mailing costs. Board members must register to access the Share Point site and are encourage to do this as soon as possible.

SCREENING PANEL REPORT

Carolyn Bronston reported the screening panel reviewed twenty eight (28) cases, opened six (6) cases and sent one 10-day letter. There are fewer cases to screen than in the past.

SUMMER 2010 REGULATORY DIGEST

BOARD REVIEW OF FIRST DRAFT AND PROJECTED PUBLICATION TIMELINE

Sujatha Kailas presented a rough first draft of the summer 2010 Regulatory Digest for review. Tom Ryan, Michael Berndt, Sujatha Kailas and Sheldon Wasserman will work on information on 2010 Wisconsin Act 382 for inclusion in the Digest.

INFORMATIONAL ITEMS

Letter from FSMB regarding board liaison was reviewed.

PUBLIC COMMENTS

None.

OTHER BUSINESS

Gene Musser has spoken with the board appointment liaison at the Governor's office. The Governor's office contacted Jack Lockhart regarding his term on the Board and Dr. Lockhart recommended seeking an ophthalmologist to be on the Board.

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RECESS TO CLOSED SESSION

MOTION: Gene Musser moved, seconded by Sandra Osborn, to convene to closed session to deliberate on cases following hearing (Wis. Stat. § 19.85 (1) (a)); consider closing disciplinary investigation(s) with administrative warning(s) (Wis. Stat. § 19.85 (1) (b), and Wis. Stat. § 440.205); consider individual histories or disciplinary data (Wis. Stat. § 19.85 (1) (f)); and to confer with legal counsel (Wis. Stat. § 19.85 (1) (g)). Roll call: Carolyn Bronston-yes; James Conterato-yes; LaMarr Franklin-yes; Sujatha Kailas-yes; Jack Lockhart-yes; Raymond Mager-yes; Suresh Misra-yes; Gene Musser-yes; Sandra Osborn-yes. Motion carried unanimously.

Open session recessed at 11:23 a.m.

RECONVENE IN OPEN SESSION

MOTION: Gene Musser moved, seconded by Suresh Misra, to reconvene in open session. Motion carried unanimously.

Open session reconvened at 1:41 p.m.

VOTING ON ITEMS CONSIDERED/DELIBERATED IN CLOSED SESSION

MOTION: Jack Lockhart moved, seconded by LaMarr Franklin, to reaffirm all motions made in closed session. Motion carried unanimously.

ADMINISTRATIVE WARNING

T.C., MD
07 MED 129

MOTION: Suresh Misra moved, seconded by James Conterato, to rescind the Administrative Warning against T.C., MD, in case **07 MED 129**, and to close the case for prosecutorial discretion. Carolyn Bronston opposed. Motion carried.

C.E.J., MD
07 MED 162

MOTION: Gene Musser moved, seconded by Jack Lockhart, to issue an Administrative Warning to C.E.J., MD, in case number **07 MED 162**. Carolyn Bronston opposed. Motion carried.

PROPOSED DECISION AND ORDER

GERHARD WITTE, MD
DRL-09-0030/05 MED 341

MOTION: Gene Musser moved, seconded by Sandra Osborn, to adopt the ALJ Decision and Order in the disciplinary proceedings against Gerhard Witte, MD. Motion carried unanimously.

**PETITION TO VACATE DEFAULT ORDER AND REOPEN CASE FOR HEARING ON
THE MERITS IN THE DISCIPLINARY PROCEEDINGS AGAINST
OSSAMA ABDELLATIF, MD**

MOTION: Gene Musser moved, seconded by Suresh Misra, to vacate the default order and to reopen the case for hearing in the disciplinary proceedings against Ossama Abdellatif, MD, and to assign Carolyn Bronston as the case advisor. Motion carried unanimously.

PROPOSED STIPULATIONS

MICHAEL N MANGOLD, MD

MOTION: Jack Lockhart moved, seconded by LaMarr Franklin, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against Michael N. Mangold, MD. Motion carried unanimously.

MOTION: Jack Lockhart moved, seconded by LaMarr Franklin, to accept the education and lift the limitations of Michael N. Mangold, MD. Motion carried unanimously.

STEPHEN R KREUSER, MD

MOTION: Gene Musser moved, seconded by Jack Lockhart, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against Stephen R. Kreuser, MD. Motion carried unanimously.

CAROLYN G NEWTON, MD

MOTION: Gene Musser moved, seconded by Suresh Misra, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary

proceedings against Carolyn G. Newton, MD. Motion carried unanimously.

**REQUEST FOR WAIVER OF 12 MONTHS OF APPROVED ACGME APPROVED
POST GRADUATE TRAINING BASED ON EDUCATION AND TRAINING**

MOHAMMAD A ELERAKY, MD

MOTION: Sandra Osborn moved, seconded by Jack Lockhart, to grant the request for a waiver of the 12 month of approved ACGME approved post graduate training to Mohammad A. Eleraky, MD. Motion carried unanimously.

MONITORING

There were no monitoring cases.

CASE CLOSINGS

07 MED 378

MOTION: Jack Lockhart moved, seconded by Suresh Misra, to close case **07 MED 378** for no violation. Motion carried unanimously.

09 MED 071

MOTION: Jack Lockhart moved, seconded by Sandra Osborn, to close case **09 MED 071** for no violation. Motion carried unanimously.

10 MED 084

MOTION: Raymond Mager moved, seconded by LaMarr Franklin, to close case **10 MED 084** for no violation. Motion carried unanimously.

08 MED 226

MOTION: Suresh Misra moved, seconded by Jack Lockhart, to close case **08 MED 226** for no violation. Motion carried unanimously.

07 MED 442

MOTION: LaMarr Franklin moved, seconded by Gene Musser, to close case **07 MED 442** for compliance gained. Motion carried unanimously.

08 MED 385

MOTION: LaMarr Franklin moved, seconded by Carolyn Bronston, to close case **08 MED 385** for no violation. Motion carried unanimously.

09 MED 382

MOTION: Gene Musser moved, seconded by Sandra Osborn, to close case **09 MED 382** for no violation. Motion carried unanimously.

10 MED 079

MOTION: Suresh Misra moved, seconded by LaMarr Franklin, to close case **10 MED 079** for no violation. Motion carried unanimously.

08 MED 406

MOTION: Suresh Misra moved, seconded by Jack Lockhart, to close case **08 MED 406** for no violation. Motion carried unanimously.

09 MED 122

MOTION: Jack Lockhart moved, seconded by Raymond Mager, to close case **09 MED 122** for no violation. Motion carried unanimously.

08 MED 342

MOTION: Jack Lockhart moved, seconded by James Conterato, to close case **08 MED 342** for compliance gained. Motion carried unanimously.

RATIFYING LICENSES AND CERTIFICATES

MOTION: Gene Musser moved, seconded by LaMarr Franklin, to ratify all licenses and certificates presented. Motion carried unanimously.

ADJOURNMENT

MOTION: Gene Musser moved, seconded by Jerold Harter, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 1:42 p.m.

THE NEXT BOARD MEETING IS JULY 21, 2010